

House Bill 728 (AS PASSED HOUSE AND SENATE)

By: Representatives Franklin of the 43rd, Brooks of the 63rd, Jones of the 44th, Cooper of the 41st, Walker of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide a short title; to define certain terms; to provide for a state-wide alert system for missing disabled adults; to provide for rules and regulations; to provide for cooperation with broadcasters; to provide for calling an alert; to provide for conditions; to provide that the Georgia Lottery Corporation shall devise a method of notifying vendors in an alert area of the alert; to provide for utilization of a rapid response phone system; to provide for nonliability; to provide for construction; to provide for termination of an alert; to provide for a state-wide alert for certain criminal suspects; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by inserting at the end thereof a new article to read as follows:

"ARTICLE 7

38-3-110.

This article shall be known and may be cited as the 'Mattie's Call Act.'

38-3-111.

As used in this article, the term:

(1) 'Alert system' means the state-wide 'Mattie's Call' alert system for missing disabled adults.

(2) 'Disabled adult' means an adult who is developmentally impaired or who suffers from dementia or some other cognitive impairment.

(3) 'Local law enforcement agency' means a local law enforcement agency with jurisdiction over the investigation of a missing disabled adult.

38-3-112.

With the cooperation of the office of the Governor, the Georgia Lottery Corporation, and other appropriate law enforcement agencies in this state, the department shall develop and implement a state-wide alert system to be activated on behalf of missing disabled adults.

38-3-113.

(a) The director is the state-wide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include instructions on the procedures for activating and deactivating the alert system.

(c) The director shall prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

38-3-113.1.

The staff of personal care homes shall call the local police department to report the elopement of any disabled person from the home within 30 minutes of the staff receiving actual knowledge that such person is missing from the home.

38-3-114.

(a) The agency shall recruit public and commercial television, radio, cable, print, and other media, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

(b) The agency may enter into agreements with participants in the alert system to provide necessary support for the alert system.

38-3-115.

(a) On notification by a local law enforcement agency that a disabled adult is missing, the director shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1) A local law enforcement agency believes that a disabled adult is missing;

(2) A local law enforcement agency believes that the disabled adult is in immediate danger of serious bodily injury or death;

(3) A local law enforcement agency confirms that an investigation has taken place that verifies the disappearance and eliminates alternative explanations for the disabled adult's disappearance; and

(4) Sufficient information is available to disseminate to the public that could assist in locating the disabled adult.

(b) The area of the alert may be less than state wide if the director determines that the nature of the event makes it probable that the disabled adult did not leave a certain geographic location.

(c) The agency may modify the criteria described by subsection (a) of this Code section as necessary for the proper implementation of the alert system.

38-3-116.

Before requesting activation of the alert system, a local law enforcement agency must verify that the criteria described by subsection (a) of Code Section 38-3-115 have been satisfied. The local law enforcement agency shall assess the appropriate boundaries of the alert, based on the nature of the disabled adult and the circumstances surrounding the disappearance. On verification of the criteria, the local law enforcement agency shall immediately contact the agency to request activation and shall supply the necessary information on the forms prescribed by the director.

38-3-117.

(a) A state agency participating in the alert system shall:

(1) Cooperate with the department and assist in developing and implementing the alert system;

(2) Establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated; and

(3) Utilize a rapid response telephone system that alerts residents in a targeted area.

(b) The Georgia Lottery Corporation is directed to develop a method of notifying its vendors within an alert area of an alert in a manner designed to disseminate alert information to customers at its retail locations.

38-3-118.

The director shall terminate any activation of the alert system with respect to a particular disabled adult if:

(1) The adult is located or the disappearance is otherwise resolved; or

(2) The director determines that the alert system is no longer an effective tool for locating and recovering the disabled adult.

38-3-119.

(a) Any entity or individual participating in the 'Mattie's call' alert system pursuant to this article shall not be liable for any civil damages arising from the dissemination of any alert generated pursuant to the 'Mattie's call' alert system.

(b) Nothing in this article shall be construed to limit or restrict in any way any legal protection an individual or entity may have under any other law for disseminating any information.

38-3-120.

(a) In addition to the state-wide alert system known as 'Mattie's Call,' there is established a state-wide alert system known as 'Kimberly's Call.'

(b) The director shall develop and implement a state-wide alert system to be activated when a suspect for the crime of murder as defined in Code Section 16-5-1 or rape as defined in Code Section 16-6-1 has not been apprehended and law enforcement personnel have determined that the suspect may be a serious threat to the public.

(c) The provisions of Code Sections 38-3-113, 38-3-114, and 38-3-117 shall also apply to 'Kimberly's Call' as set forth in this Code section.

(d) On notification by a local law enforcement agency that a suspect in a case of murder or rape has not been apprehended and may be a serious threat to the public, the director shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1) A local law enforcement agency believes that a suspect has not been apprehended;

(2) A local law enforcement agency believes that the suspect may be a serious threat to the public; and

(3) Sufficient information is available to disseminate to the public that could assist in locating the suspect.

(e) The area of the alert may be less than state wide if the director determines that the nature of the event makes it probable that the suspect did not leave a certain geographic location.

(f) Before requesting activation of the alert system, a local law enforcement agency must verify that the criteria described by subsection (d) have been satisfied. The local law enforcement agency shall assess the appropriate boundaries of the alert based on the nature of the suspect and the circumstances surrounding the crime.

1 (g) The director shall terminate any activation of the alert system with respect to a
2 particular suspect if:

3 (1) The suspect is located or the incident is otherwise resolved; or

4 (2) The director determines that the alert system is no longer an effective tool for
5 locating the suspect.

6 (h) Any entity or individual participating in the 'Kimberly's Call' alert system pursuant to
7 this Code section shall not be liable for any civil damages arising from the dissemination
8 of any alert generated pursuant to the 'Kimberly's Call' alert system."

9 **SECTION 2.**

10 All laws and parts of laws in conflict with this Act are repealed.